

**REMARKS****Summary of the Office Action**

Claims 1-4 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Jeong* (U.S. Patent No. 6,829,202).

Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jeong* (U.S. Patent No. 6,829,202) in view of *Suzuki* (JP 63-259842).

The indicated allowability of claims 1-6 in the previous Office Action is withdrawn in view of newly discovered references.

**Summary of the Response to the Office Action**

Applicant has amended independent claims 1 and 2. Accordingly, claims 1-6 are presently pending.

**The Rejection Under 35 U.S.C. § 102(e)**

Claims 1-4 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Jeong* (U.S. Patent No. 6,829,202). Applicant respectfully traverses the rejection for at least the following reasons.

Applicant respectfully submits that the Office Action has not established that *Jeong* anticipates each and every feature of Applicant's claimed invention and that all rejections under 35 U.S.C. § 102(e) should be withdrawn. Newly amended independent claim 1 recites, in part, "a pair of fixed magnets arranged so as to be opposed to the tracking coils and the focusing coil of the lens holder in a direction perpendicular to the focus and track directions." Similarly, independent claim 2 recites, in part, "wherein the pair of fixed magnets are disposed in a

direction perpendicular to the focus and track directions,” as amended. *Jeong* fails to teach or suggest at least these features of claims 1 and 2.

In *Jeong*, the drive magnets 53 in the tracking coils 13 are disposed along the track direction, as shown in Fig. 2. On the other hand, in the present invention, the tracking coils Tr11, Tr12, Tr21, Tr22 and drive magnets 31, 32 are disposed along a direction perpendicular to the tractor action. See the attached Sheets I-III. Accordingly, *Jeong* fails to teach or suggest each and every feature of claims 1 and 2. Thus, the rejection of claims 1 and 2 should be withdrawn.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Jeong* does not teach or suggest each feature of newly amended independent claims 1 and 2.

Additionally, Applicant respectfully submits that dependent claims 3-6 are also allowable insofar as they recite the patentable combinations of features recited in claim 2, as well as reciting additional features that further distinguish over the applied prior art.

**The Rejection Under 35 U.S.C. § 103(a)**

Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jeong* (U.S. Patent No. 6,829,202) in view of *Suzuki* (JP 63-259842). Applicant respectfully traverses the rejection for at least the following reasons.

To establish a *prima facie* case of obviousness, three basic criteria must be met (see MPEP §§ 2142-2143). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all the claim limitations.

The Office Action has not established a *prima facie* case of obviousness at least because *Jeong* and *Suzuki*, whether alone or in combination, fail to teach or suggest all the recited features of newly amended independent claim 2. Independent claim 2 recites, in part, “wherein the pair of fixed magnets are disposed in a direction perpendicular to the focus and track directions,” *Jeong* or *Suzuki*, whether taken alone or in combination, fail to teach or suggest at least these features of claim 2.

As pointed out in M.P.E.P. § 2143.03, all the claimed limitations must be taught or suggested by the prior art to establish *prima facie* obviousness of a claimed invention. As above-demonstrated, *Jeong* fails to teach or suggest each and every feature of claim 2. *Suzuki* does not cure the deficiency in *Jeong*. Because *Jeong* and *Suzuki*, whether taken alone or in combination, fail to teach or suggest each feature of newly amended independent claim 2, the rejection under 35 U.S.C. § 103(a) should be withdrawn. Furthermore, claims 5-6 depend from independent claim 2. Accordingly, claims 5-6 are also allowable because of the additional features they recite and the reasons stated above.

**Conclusion**

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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